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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,335	02/01/1999	XINZHONG LEON XU	99-P-7449-US	8596

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09/08/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/08/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/241,335

Applicant(s)

XU, XINZHONG LEON

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-21, 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-21, 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

1. This action is in response to applicant's amendment filed on June 23, 2003. **Claims 1-12,14-21 and 23-26** are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6,8,14-19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Weeren et al. US Patent 5,913,195.

Regarding claim 1, Weeren teaches an interactive voice response system, (VRU system; col. 4, lines 25-37), comprising:

a plurality of general-purpose blocks (208,212,501; figs. 2 and 5; col. 7, lines 12-25), each general purpose block being coupled to at least one other general purpose block (figs. 2 and 5; col. 8, lines 38-65| the caller is provided with a menu), wherein each general-purpose block

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plays a prompt (messages 312- fig. 3; col. 7, lines 45-55) and is configurable to send a first signal (e.g. non-merchant or "0" for CSR) after playing the prompt or send a second signal (e.g. merchant or "2" for Transfer Of Funds) according to received input after playing the prompt (col. 7, lines 11-25,45-55); and

a plurality of transfer blocks (m535 - transfer to CSR or TransferOfFunds 508; the m535 can be connect to block 212 and block 501 separately since transfer block m535 is a general transfer block to customer service representatives (CSR) and both merchants and non-merchants must have access to customer service representative so that their account questions can be answered), each transfer block being coupled to a general-purpose block (e.g., 501-non merchant/ 212-merchant) to receive one of the first ("0" for CSR) and second signals and is configurable to transfer a call to a specified telephone number, (caller is transferred to the CSR number; fig. 5). The transfer block for "merchant" will also transfer to a customer service representative (CSR) number as shown above in the example of non-merchants.

Regarding claims 2 and 3, Weeren teaches wherein each general-purpose block plays a prompt by accessing at least a sound file and wherein the sound file accessed by each general-purpose block can be configured, (col. 8, lines 23-37; col. 10, lines 31-41).

Regarding claims 4-6 and 17-19, Weeren teaches wherein if a general-purpose block is configured to send the second signal according to received input, the general-purpose block receives the input and wherein the general purpose-block receives the input by receiving a key or string of keys which represent DTMF information, (fig. 5). A caller will press the DTMF keys of "1,2,0 or #" which will indicated to the system whether to send a first signal or second signal.

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Regarding claim 8, Weeren teaches wherein the general-purpose block processes the received input by selecting the second signal according to the received input, (col. 7, lines 23-66).

Regarding claim 14, Weeren teaches wherein the second signal from a first general-purpose block is received by a second general-purpose block, (merchant; col. 7, lines 23-66; the merchant signal is received by block 212).

Regarding claims 15 and 23, Weeren teaches a method of generating an interactive voice response application (abstract), comprising:

providing a plurality of general-purpose blocks (208,212,501; figs. 2 and 5; col. 7, lines 45-55), each general-purpose block being preconfigured to send signals to at least one other general-purpose block, (col. 7, lines 12-25);

selecting a general purpose block, (col. 7, lines 23-35; e.g. block 208 selects block 211);

specifying a prompt that the selected general-purpose block will play, (col. 8, line 66-col. 9, line 13; fig. 3-314);

specifying whether the selected general-purpose block will send a first signal after playing the prompt or send a second signal according to received input after playing the prompt, (col. 7, lines 11-25,45-55; based on what caller inputs, the system will send wither a first or second signal);

providing a plurality of transfer blocks (m535 is provided to merchants and non-merchants), each transfer block being coupled to a general-purpose block (e.g. 501-non merchant and 218 merchant) to receive one of the first or second signals to transfer a call to a telephone number, (caller is transferred to the customer service number);

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selecting a transfer block, (block m535 is selected if a caller presses e.g. "0"); and
specifying the telephone number for the selected transfer block, (caller is transferred to a
CSR which inherently has a telephone number/extension).

Regarding claim 16, Weeren teaches wherein specifying a prompt that the selected
general-purpose block will play includes specifying a file that stores the prompt, said prompt
being a sound message, (col. 8, lines 23-37; col. 10, lines 31-41).

4. Claims 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammarström
et al. US Patent 6,044,142.

Regarding claim 24, Hammarström teaches a method of modifying an interactive voice
response system at run-time, (col. 2, lines 46-65; an operator will modify the callers automated
service by selecting and sequencing service script modules (i.e. SIBs; col. 2, lines 2-5)),
comprising:

executing the interactive voice response system, the system including a plurality of
general-purpose blocks (service independent building blocks; col. 2, lines 2-16) and a plurality of
transfer blocks that are configurable to transfer a call to a specified telephone number, (col. 3,
lines 47-67; col. 4, lines 18-24; col. 8, line 5);

modifying a configuration of a selected general-purpose block; and updating the
configuration of the selected general-purpose block at run-time, (col. 3, lines 58-64).

Regarding claim 25, Hammarström teaches wherein modifying a configuration of a
selected general-purpose block includes storing a configuration parameter in a database, (col. 3,
lines 58-67).

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Regarding claim 26, Hammarström teaches wherein an object monitors the database and sends a signal to the selected general-purpose block that the configuration has changed, (col. 8, lines 9-18).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 7,9-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeren et al. US Patent 5,913,195 in view of Malik US Patent 6,463,130.

Regarding claims 7 and 20, Weeren, as applied above, does not teach of playing a no-input prompt.

Malik teaches wherein the general-purpose block plays a no-input prompt if the general-purpose block does not receive the input within a predetermined amount of time, (col. 3, lines 33-36). One skilled in the art would have been motivated to play a no input prompt so that the caller can be alerted that an input is required if they did not hear the first prompt.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weeren by playing a no-input prompt as taught by Malik so that the calling party can be notified that an input is needed in order to progress through the call.

Regarding claims 9-12 and 21, Weeren, as applied above, does not teach of determining whether there was an error in the input.

Malik teaches wherein the general-purpose block determines if there was an error in the received input, and wherein the general-purpose block continues receiving the input after the error prompt is played. Malik also teaches wherein the general-purpose block plays the prompt after the error prompt is played, (col. 3, lines 29-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weeren by determining errors in the input and playing an error prompt as taught by Malik so that the system can notify the caller that their input was not correct and can re-request that the caller re-enter their information.

Response to Arguments

8. Applicant's arguments filed June 23, 2003 have been fully considered but they are not persuasive.

Applicant contends that Weeren does not wherein each general-purpose block plays a prompt and is configurable to send a first signal after playing a prompt or send a second signal according to received input after playing the prompt. The Examiner respectfully disagrees.

The menu of Weeren provides a prompt to the user and based upon the input of the user the menu/prompt general-purpose block will send a signal based on what is received. As

explained above in claim 1 general purpose block 501 will play a prompt to the user and will send a first signal after the prompt e.g. Accountinformation 1 or send a second signal according to a received user input after playing the prompt e.g. user presses CSR 1 which will send the CSR 0 signal to transfer block m535.

Accountinformation and CSR reads on the claimed "signals" since figure 5, clearly shows that those signals are being outputted from block 501.

The Examiner notes that the term "general purpose block" reads on the block of Weeren since the block is designed for a plurality of different purposes such as routing to account information, funds transfer, or CSR therefore since the claims do not limit the scope of "general purpose block" then the Examiner read the broad language of general to read on the menu/prompt blocks of Weeren.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., purpose or function of the block changes depending on how the block is configured, page 8) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. In regards to claims 24-26 rejected under 102(e) by Hammarström, the Applicant has not provided any arguments as to whether the claims are patentable over the prior art therefore, the rejection to claims 24-26 remains as originally rejected.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
September 5, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

